

REMARKS

Claims 1, 5, 7-10, 13-17, 19 and 21-61 are cancelled.

Claims 2-4, 6, 11-12, 18, 20 and 62-66 are pending.

Claims 4, 6, 11-12, 18, and 20 [sic] are withdrawn from consideration.

Claims 2-3 and 62-66 are rejected.

The non-final office action dated 22 Dec. 2010 indicates that claims 2, 3 and 62-66 are rejected under 35 USC §112, second paragraph, as being indefinite

The office action alleges that base claims 62, 64 and 66 are indefinite because the specification as originally filed does not describe or support a chain secured to a crib 16. However, the allegation is not concerned with indefiniteness. Rather, it is concerned with failure to comply with the written description requirement. Regardless, the '112 rejection has been rendered moot by the amendments above to base claims 62, 64 and 66. In claim 64, the language "opposite ends of the chain secured to the crib" has been removed. In claims 62 and 66, the language has been modified to clarify that the chain extends across the crib.

The office action alleges the language "a single pivot ball" renders claim 63 indefinite. The office action also alleges that the language "a lockable pivot including a bendable elbow" renders claim 2 indefinite because the specification describes the bendable elbow as including a pivot. These '112 rejections have been rendered moot by the amendments above to claims 2 and 63.

Claim 63 has been amended to recite a bendable elbow that is generic to claim 2. Details of the bendable elbow of claim 63 have been moved to new claim 68. New claim 67 recites an embodiment of the bendable elbow described on page 5, lines 13-18 of the application.

The non-final office action indicates that claims 2 and 62-66 are rejected under 35 USC §102(b) as being anticipated by Sollmann GB 2,169,836 [sic]. The '102 rejection should be withdrawn because it is based on factual deficiencies.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 64 recites force-applying units for pressing aircraft skin against an aircraft frame. Page 6 of the office action admits that Sollmann does not describe such force applying units. Therefore, the office action admits that Sollmann does not describe all features of claim 64. Due to this factual deficiency, the '102 rejection of claim 64 should be withdrawn.

Claim 65, which depends from claim 64, recites aircraft skin and a frame in the body of the claim. Page 6 of the office action admits that Sollmann does not describe aircraft skin and a frame. Therefore, the office action admits that Sollmann does not describe all features of claim 65. Due to this factual deficiency, the '102 rejection of claim 65 should be withdrawn.

Claim 62 recites a system for clamping a top work piece to an underlying work piece. The system comprises:

- a crib for supporting the underlying work piece; and

- a chain of interspersed coupling units and force applying units, the chain extending across the crib, the coupling units allowing the force-applying units to conform to the upper surface of the top work piece, the force-applying units for pressing the top work piece against the underlying work piece.

Sollmann describes a retaining tool for pressing a repair piece 2 against a body plate 1. The retaining tool includes a tubular bar 10 and suction cups 5 at opposite ends of the tubular bar 10. The retaining tool further includes an intermediate bar 15 that is perpendicular to the tubular bar 10 and that has adjusting screws 13 and 19 at

opposite ends. The suction cups 5 secure the bar 10 to the body plate 1 as screw 19 is adjusted to press the repair part 2 against the body plate 1.

Sollmann does not describe a crib for supporting the underlying work piece (body plate 1). Sollmann does not describe a chain of interspersed coupling units and force applying units, let alone a chain that conforms to the surface of the top work piece. Sollmann's bars 10 and 15 are rigid. Sollmann does not describe a plurality of force applying units for pressing the top work piece (the repair part 2) against the underlying workpiece (the body plate 1). Sollmann only describes a single device (screw 19) that applies force to the top work piece. Sollmann does not describe a plurality of coupling units interspersed with force applying units. At most, Sollmann shows a single bar 15 that supports a single force-applying screw 19.

Thus, Sollmann does not describe each and every element as set forth in claim 62. Therefore, the '102 rejection of claim 62 should be withdrawn.

The '102 rejection of claim 66 should be withdrawn for the same reasons. The '102 rejection of claim 66 should be withdrawn for the additional reason that Sollmann does not describe lockable coupling units that are unlocked to make the chain flexible and allow the force-applying units to conform to the upper surface of the top work piece.

The office action alleges that linkages 11 are coupling units. The allegation is not germane to the '102 rejection because the linkages 11 are not interspersed with the force applying screw 19. Moreover, the linkages have no impact on the orientation of the force applying screw 19 with respect to the repair piece 2. The linkages 11 simply enable extension of the tubular bar 10.

Thus, Sollmann does not describe each and every element of base claim 66. Due to these factual deficiencies, the '102 rejection of base claim 66 should be withdrawn

The non-final office action indicates that claims 64 and 65 are rejected under 35 USC §103(a) as being unpatentable over GB 2,169,836 [sic]. The ‘103 rejection of base claim 64 should be withdrawn because it is based on legal errors. The office action provides little more than a conclusory statement that it would be obvious to apply the apparatus of Sollmann to skin and an aircraft frame because it would only require routine experimentation with predictable results. The office action provides no rationale underpinnings to support the allegations about routine experimentation and predictable results. The office action provides no articulated reasoning as to why only routine experimentation would be required and why the results would be predictable.

Thus, the office action does not comply with MPEP 2142 and KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1395-97 (2007). In KSR, the Supreme Court held “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Due to this legal error alone, the ‘103 rejection of claims 64 and 65 should be withdrawn.

The ‘103 rejection is based on additional error because the Patent Office has not met the initial burden of establishing *prima facie* obviousness. The initial burden does not lie with the applicants. According to MPEP 2142, “The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.” The initial burden lies with the Patent Office, and the Patent Office has made no attempt whatsoever to meet that burden. Due to this additional legal error, the ‘103 rejection of claims 64 and 65 should be withdrawn.

In a remnant of previous office action, claims 2, 62, 63 and 66 are rejected under 35 USC §102(b) as being anticipated by Dearman U.S. Patent No.

4,356,615. The '102 rejection should be withdrawn because it is based on factual deficiencies.

Dearman discloses an apparatus for aligning the confronting ends of two pipes. The apparatus includes a chain 8 and screw-type supports 10 attached to the chain 8. The chain wraps around a first pipe. The supports 10 extend transversely of the chain 8 at a distance sufficient to project beyond the first pipe end and over a second pipe (col. 1, line 64 to col. 2, line 6). The supports 10 provide support and alignment for the second pipe.

Dearman does not describe a crib for supporting an underlying workpiece. Moreover, Dearman does not describe a chain extending across a crib. Due to these factual deficiencies alone, the '102 rejection should be withdrawn.

Dearman's link chains, which the office action characterizes as coupling units, are not lockable. Due to this additional factual deficiency, the '102 rejection of base claim 66 should be withdrawn.

The Examiner's supervisor is strongly encouraged to call the undersigned to discuss any remaining issues prior to mailing another office action.

Respectfully submitted,
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